



**Administration Department**  
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**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**February 17, 2010, 6:00 p.m.**

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Aldermen Tom Vos and Steve Rauch; Commissioners Chris Reesman, Darrel Eisenhardt and Bob Henney; Student Representatives Carrie Coppernoll and Richie Hoffman were present. Commissioner John Lynch was excused. Town of Burlington Representative Phil Peterson was absent. Also present were City Planner Patrick Meehan and Building Inspector/Zoning Administrator Patrick Scherrer.

**APPROVAL OF MINUTES**

Alderman Vos moved and Commissioner Eisenhardt seconded to approve the minutes of January 12, 2010. All were in favor and the motion carried.

**CITIZEN COMMENTS**

None

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

**A. Consideration to approve Resolution Number 5 recommending the amendment of the Multi-Jurisdictional Comprehensive Plan as requested by John Hotvedt on behalf of Spiegelhoff Development, LLC to rezone 672 W. State Street.**

- Mayor Miller opened this issue for discussion.
- Administrator Lahner stated that this was the first time a Comprehensive Plan amendment has come before the commission and the City has created a streamlined process to process amendment requests. Patrick Meehan added that an amendment requires much more paperwork than a typical rezone request due to state statutes which is reflected in his memorandum.

- Attorney John Hotvedt representing the applicant was present for questions. Attorney Hotvedt explained to the commission that Spiegelhoff, LLC would like to occupy the existing house to use as their corporate office. There would be approximately three to five employees with no structural changes to the building. He further stated he feels the property is better suited as a commercial property than residential because of the adjacent property zoning except for the properties to the east, west and south.
- Commissioner Eisenhardt questioned what the zoning to the east is. Administrator Lahner stated it is Rm-2 and Rs-2, Single and Multiple Family districts.
- Commissioner Reesman stated he is concerned that a split zoning of B-1 and Rs-3 is not requested to reflect what was done on the adjacent properties to the west (Gooseberries). Patrick Meehan stated that a split zoning is not allowed per the current city ordinance.
- Attorney Hotvedt stated he understands the concern of neighbors to the north and northeast with commercial zoning. He further stated that if Spiegelhoff, LLC were to sell the property in the future the parcel is too small to commercially develop per city code.
- Commissioner Henney arrived at 6:25 p.m.
- Patrick Meehan stated that standard bufferyards of 15 to 35 feet are within the code that could be applied to protect the Single-Family districts.
- Alderman Vos stated that in the 1980's the Plan Commission required the property to the west that Gooseberries resides on to split the zoning with B-1 to the south and Rs-3 to the north. He was concerned that this may not have been allowed per city code at that time and doesn't feel comfortable requiring it now. He further stated he is concerned with the Gooseberries property if it were to be resold and if the split zoning affects the property value. Administrator Lahner stated dual zoned properties have a potential to create problems down the road. He further stated that the city ordinance in the 1980's may have allowed dual zoning and could have been amended since then.
- Attorney Hotvedt stated his clients would be more than happy to split the zoning however it is not allowed. He further stated that if this request is denied he feels the parcel will eventually be requested to rezone to a multiple family district. From a planning and neighborly standpoint, his request protects the residential properties.
- Attorney Bjelajac stated a restrictive covenant by the property owner could be applied to the parcel that would essentially create a buffer zone that could only be used for residential purposes. Patrick Meehan stated a restrictive covenant would need to be voluntary.
- Nancy Foster, 171 Beth Court approached the commission stating her property abuts the subject property and feels the subject property contributes to residential atmosphere and buffers the noise from Gooseberries. She stated she is concerned with future use of the property if Spiegelhoff were to combine the lots they own.

- John Helm, 163 Beth Court stated he has the same concerns as Ms. Foster and would like to see the property remain as residential.
- Mayor Miller stated the commission has options as to what they would like to require; a restrictive covenant, a certified survey map splitting the parcel, or allowing it to go as requested. Patrick Meehan stated the property would need to be split as 2/3 residential and 1/3 commercial due to access to the property. Attorney Hotvedt stated they would be willing to split the parcel if it could have a viable use but feels the property is too small to do so.
- Alderman Vos questioned what the deadline is for the sale of the property to Spiegelhoff, LLC. Attorney Hotvedt stated it is scheduled for closing in March but that the sellers are flexible and could push back the date.
- There were no further comments.

Alderman Vos moved and Alderman Rauch seconded to table this item. A roll call vote was taken; Ayes: Vos, Rauch, Eisenhardt, Henney and Reesman; Nays: none. Motion carried 5-0.

**B. Consideration to recommend approval of a Rezone request by John Hotvedt on behalf of Spiegelhoff Development, LLC to rezone 672 W. State Street from the Rs-3 Single-Family Residence District to B-1 Neighborhood Business District to use the existing residential structure as an office.**

- Mayor Miller opened this issue for discussion.
- There were no comments.

Alderman Vos moved and Alderman Rauch seconded to table this item. A roll call vote was taken; Ayes: Vos, Rauch, Eisenhardt, Henney and Reesman; Nays: none. Motion carried 5-0.

**C. Consideration to recommend approval of a rezone request to the Common Council for property adjacent to 6551 S. Pine Street from A-1, Agricultural District to I-1, Institutional District for use with the Combined Department of Public Works Facility.**

- Mayor Miller opened this issue for discussion.
- There were no comments.

Alderman Vos moved and Commissioner Eisenhardt seconded to recommend approval of a rezone request for property immediately south of 6551 S. Pine Street, subject to Patrick Meehan's January 29, 2010 memorandum to the Plan Commission as follows:

- Holding of a Public Hearing under the requirements of Section 315-121 of the City Zoning Ordinance.

*All in favor and the motion carried.*

**OTHER MATTERS**

None

**ADJOURNMENT**

Commissioner Eisenhardt moved and Alderman Vos seconded to adjourn the meeting at 6:40 p.m. All were in favor and the motion carried.

Recording Secretary  
Megan E. Johnson  
Assistant to the City Administrator